

**UNITED STATES BANKRUPTCY COURT**

**FOR THE**

**EASTERN DISTRICT OF VIRGINIA**

**Alexandria Division**

In the Matter of:

SAMUEL WINEGARDNER DAHLKE

AND

LISA SONG DAHLKE

Debtors

Chapter 13

Case No. 10-19492-RGM

**MOTION TO DISMISS,**  
**NOTICE OF MOTION TO DISMISS**  
**AND**  
**NOTICE OF SCHEDULED HEARING ON THIS MOTION**

Thomas P. Gorman, Chapter 13 Trustee, has filed this motion to dismiss your Chapter 13 case. The cause for this motion is as follows:

**Violation of 11 U.S.C. §1307 (c)(8)** - Conditions occurring subsequent to the confirmation of the Plan making performance of the Plan impossible. The confirmed Plan of this proceeding proposes the voidance of the 2nd deed of trust held by the creditor OneWest Bank, and as of this date no Adversary Proceeding has been filed to avoid the lien.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an

**Notice and Motion to Dismiss**

Samuel Winegardner Dahlke and Lisa Song Dahlke, Case #10-19492-RGM

order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before five business days prior to the scheduled hearing. You must mail a copy to the persons listed below.

***Attend the hearing to be held on July 13, 2011 at 9:30 a.m. in Courtroom #3 on the 3<sup>rd</sup> floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314.*** If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman  
300 North Washington Street, Ste. 400  
Alexandria, VA 22314

Clerk of the Court  
United States Bankruptcy Court  
200 South Washington Street  
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: \_\_May 26, 2011\_\_

\_\_\_\_/s/ Thomas P. Gorman\_\_\_\_  
Thomas P. Gorman  
Chapter 13 Trustee  
300 N. Washington Street, #400  
Alexandria, VA 22314  
(703) 836-2226  
VSB 26421

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 26<sup>th</sup> day of May, 2011, mailed a true copy of the foregoing Motion to Dismiss, Notice of Motion and Notice of Hearing to the following parties.

Samuel Winegardner Dahlke  
Lisa Song Dahlke  
Chapter 13 Debtors  
54 Kincaid Lane  
Stafford, VA 22556

Martin C. Conway  
Attorney for Debtor  
Pesner Kawamoto Conway  
7926 Jones Branch Drive, Ste. 930  
McLean, VA 22102-3303

\_\_\_\_/s/ Thomas P. Gorman\_\_\_\_  
Thomas P. Gorman